

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-5566 of 2025
(Muhammad Humayun Bakht v Federation of Pakistan & others)

Date	Order with signature of Judge
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Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:-17.02.2026

Mr. Kamran Ali Kashmiri, advocate for petitioner
Mr. Abdul Samad Khan, advocate for NADRA
Ms. Wajiha Mehdi, DAG

O R D E R

Adnan-ul-Karim Memon, J The petitioner filed this petition under Article 199 of the Constitution of Pakistan seeking directions to respondents to remove his name from the Provisional National Identification List (PNIL) and compensation of Rs. 1,00,00,000/- for losses suffered due to being restrained from traveling abroad.

2. The petitioner claims to be a Pakistani citizen and states that on 23.03.2025, he was prevented from boarding Flydubai flight FZ-338 from Sialkot to Johannesburg despite holding valid travel documents, including a Pakistani passport and South African visa. However he added that he has no criminal record, and the CRO is clear, as such there was no justification with FIA to prevail him, which amounts to misuse the power and authority.

3. NADRA submitted that the petitioner's CNIC No. 42201-0725242-3 is not digitally impounded, while learned DAG stated that the petitioner's name was placed on PNIL on 09.08.2023 under Standing Order No. 02/2018, and FIA has the authority to add/remove names. The Ministry of Interior has no mandate over PNIL. However, that is subject to law and for the time being, we have not been informed about any material so appropriate direction could be issued. Learned DAG is recommended to put appearance in the matter without lawful justification, which is apathy on their part.

4. This Court, noting the delay in FIA's response, inspite of repeated adjournments by the DAG office.

5. In the instant case, the petitioner's fundamental rights have been engaged. It is well settled that freedom of movement and the right to travel abroad are integral components of the right to personal liberty and cannot be curtailed except by law and in accordance with due process. The Superior Courts have repeatedly held that placing a citizen's name on restrictive lists such as the PNIL/ECL/PCL without lawful authority, notice or opportunity of hearing amounts to an arbitrary, illegal and unconstitutional action infringing fundamental rights.

6. It is well settled that inclusion of a person's name in the PNIL without any legal basis or due process violated Article 15 and other fundamental rights, and keeping the name of petitioner on the PNIL has no statutory backing and cannot override constitutional freedoms. Similarly, when the procedure lacked due process and cogent legal justification, the freedom of movement cannot be curtailed arbitrarily and must adhere to statutory safeguards as authorities must provide written reasons and afford an affected person a meaningful opportunity to be heard before placing names on restrictive lists, failing which such acts violate fundamental rights and are liable to be set aside.

7. Here, the petitioner was prevented from boarding his flight and suffered financial and other loss because his name was placed on the PNIL without any credible justification, notice or hearing. In the absence of any law empowering the respondents to restrict his travel on the basis relied upon, the action is arbitrary and violative of constitutional rights. Therefore, this Court direct the competent authority of respondents to hear the petitioner and, if no criminal involvement is found, remove his name from the PNIL within three weeks.

8. Accordingly, the petition is disposed of with a declaration that the respondents are duty bound to remove the petitioner's name from the PNIL and restore his right to travel unless a lawful basis supported by due process and clear legal authority is shown.

JUDGE

JUDGE